

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

**UNITED STATES OF AMERICA**

**CRIMINAL NO. 1:CR-98-056**

**V.**

**PAUL N. LITTLES**

# MEMORANDUM AND ORDER

Before the court is a motion to dismiss for lack of territorial and subject matter jurisdiction filed on September 17, 2008 by Paul N. Littles. Petitioner has also filed an application to proceed *in forma pauperis*. The motion alleges that the criminal activity for which he was prosecuted occurred in Dauphin County, Pennsylvania and, therefore, the federal government and this court had no lawful jurisdiction over his criminal offense.

The motion will be deemed to be one pursuant to 28 U.S.C. § 2255. Title 28 U.S.C. § 2255(a) and (b) are the proper methods to raise the jurisdiction of the court.

Petitioner was sentenced by this court on January 15, 1999. He filed an appeal on January 19, 1999. The decision of this court was affirmed by the court of appeals on April 5, 2000. On September 4, 2001, Petitioner filed his first motion pursuant to 28 U.S.C. § 2255 which was denied by this court on November 7, 2001. Petitioner was denied a certificate of appealability by the circuit court on June 3, 2002 and his petition for a writ of certiorari was denied on October 1, 2003. On

January 20, 2006, Petitioner filed a second motion pursuant to 28 U.S.C. § 2255 which was denied by this court on January 24, 2006. On November 15, 2007, Petitioner filed a third motion to pursuant to 28 U.S.C. § 2255. Accompanying that motion was a motion and brief filed under 28 U.S.C. § 2244 seeking permission to file a second or successive petition. By order dated November 20, 2007, this court directed the Clerk of Court to forward Petitioner's documents to the Third Circuit Court of Appeals for consideration by that court. On July 7, 2008, the court of appeals denied Petitioner's request to file a second or successive petition.

Once again, Petitioner has filed a collateral motion on an issue that could have been raised on direct appeal or in a previously filed § 2255 petition. Petitioner has failed to obtain from the court of appeals authorization to bring a successive motion as required by 28 U.S.C. § 2255(b) and 28 U.S.C. § 2244. This court is without jurisdiction to entertain the instant motion.

**IT IS THEREFORE ORDERED THAT:**

- 1) Petitioner is granted leave to proceed *in forma pauperis*.
- 2) The motion entitled "Motion to dismiss for Lack of Territorial and Subject Matter Jurisdiction" is deemed to be a motion filed pursuant to 28 U.S.C. § 2255 and the motion is **DISMISSED**.
- 3) The court declines to issue a certificate of appealability.
- 4) The Clerk of Court shall close the file.

s/Sylvia H. Rambo  
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SYLVIA H. RAMBO  
United States District Judge

Dated: September 18, 2008.